

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
INTRA-DEPARTMENTAL CONCURRENCE

Document Title:

*Trip Report*

Name/Office	Initials	Date
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<i>David D. Traylin</i>	<i>DD</i>	<i>3/18</i>
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<i>Angie Kyle</i>		
<i>Commissioner</i>		

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REPORTS SHOULD BE DISTRIBUTED  
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CHIEFS.*

*RO*

Due Date

# MEMORANDUM

State of Alaska

AK0701  
3/16/88  
See 7  
16

TO: Dennis D. Kelso  
Commissioner

DATE: March 16, 1988

FILE NO: file number C84 Mapco

TELEPHONE NO: 465-2666

THRU: Larry Dietrick, Director  
Environmental Quality Division  
Dan Easton, Deputy Director DE  
Environmental Quality Division  
Stanley W. Hungerford, Supervisor  
Hazardous Waste Management  
David DiTraglia, Manager  
FROM: Hazardous Waste Management

SUBJECT: Trip Report

Glenn Miller gm  
Environmental Engineer

**ENFORCEMENT  
SENSITIVE**

On February 22, 1988, I attended an informal settlement conference at EPA Region 10 headquarters in Seattle. The conference was arranged by MAPCO Petroleum, Inc. to discuss settlement of complaint and compliance orders under the RCRA program.

MAPCO was represented by Gerald Fritz; Dave Rowse; and Randolph Jones, attorney. The EPA attendees were Charles Rice; Bill Adams; and Bob Goodstein, attorney. The meeting lasted all day.

The language to be included in the final consent order is being written by Bill Adams. Both sides are to sign the order in March. The details of the settlement are not public information until the order is signed.

The conference provided me an introduction to the process of negotiated regulatory compliance. This is the first case where a state inspection has triggered a large fine under RCRA. It will serve as model for state hazardous waste enforcement actions in the future.

GM/jw

cc: Jeff Mach, NRO  
Office of the Governor JE

cc also

D. Jenkins

B. Lamoreaux

P. Mc Gee

D. Redburn

**ENFORCEMENT  
SENSITIVE**

**IMAGED**

**IMAGED**

# MEMORANDUM

# State of Alaska

TO: David P. DiTraglia  
Hazardous Waste Program Manager

DATE: March 18, 1988

FILE NO: C8A MAPCO

TELEPHONE NO: 465-2666

THRU:

SUBJECT: Trip Report

ENFORCEMENT SENSITIVE

FROM: Glenn Miller *GM*  
Environmental Engineer

On February 22, 1988, I attended an informal settlement conference at EPA Region 10 headquarters in Seattle. The conference was arranged by MAPCO Petroleum Inc. to discuss settlement of complaint and compliance orders under the RCRA program.

MAPCO was represented by Gerald Fritz, Dave Rowse, and Randolph Jones, attorney. The EPA attendees were Charles Rice, Bill Adams, and Bob Goodstein, attorney. The meeting lasted all day. Both sides presented arguments that centered around three main topics:

1. The language contained in the order under the heading "Finding of Facts" -- MAPCO claimed that some of the points were not facts at all and had been published in the press. They said the damage cannot be undone, but in the final order certain sections should be modified or removed.
2. The extent of clean-up required -- MAPCO hoped to rely on the ongoing ground water pumping and fuel spill clean-up efforts being done under agreements with DEC. This effort, they said, will eventually remove both hazardous and non-hazardous contaminants. EPA insisted that MAPCO investigate possible soil contamination resulting from disposal of chlorinated solvent.
3. The size of the penalty -- The penalty was reduced from 90,000 to 80,000 dollars.

The language to be included in the final consent order is being written by Bill Adams. Both sides are to sign the order in March. The details of the settlement are not public information until the order is signed.

The conference provided me an introduction to the process of negotiated regulatory compliance. This is the first case where a state inspection has triggered a large fine under RCRA. It will serve as model for state hazardous waste enforcement actions in the future.

GM/jw

cc: Jeff Mach, NRO

ENFORCEMENT SENSITIVE



2/23/88.

# Mapco Settlement Conference.

<u>Name</u>	<u>Representing</u>	<u>Phone</u>
Glenn Miller	ADEC	(907) 465-2666
Charles W. Rice	EPA Reg 10	(206) 442-0695
Gerald Fritz	MAPI	907-488-2741
Randolph L. Jones, Jr.	MAPI	(918) 595-3730
DAVID C. ROWSE	MAPI	907-488-2741
Bob Goodstein	EPA-ORC	(206) 442-8311
Bill Adams	EPA - RCRA	(206) 442-2806

10:00 - 2-23-88

## Meeting - Mapco settlement

Dave Rouse, Gerry Fritts, Randy Jones

me, Bill Adams, Chuck Rice, Bob Goodstein

Mapco presents case and then we talk penalty

Wants to cut some language out of order

We relied on SI by Shannon & Wilson

I had the report and outlined it

It was not really an SI

#6 is drawn for SI and is not true?

→ we should have told them about this stuff  
Bottle cleaning sludge pre RCRA -

to cut this  
say SI language doesn't  
flow and RCRA

Acid in Lagoon Mapco does not know where  
got the prove it!

#8 we are not a TSD - were not in 1980

True → No need to apply for permit in 1980  
but should not have stored,

P4 Line 20 Some of this stuff was used later  
should not take hit for stuff recycled.

→ what about speculation Accumulation,

P4 and 5 they think we implied that  
Mapco dumped all the stuff maybe we  
could say how much was recycled



P5 D Myles claims They did not ~~do this~~  
pump acetone & NaOH into sumps

-Navy solvent ends up in sump sludge -  
not the pipeline

Liner under clay filter sludge 85

Totals Ethyl Lead had to find disposal option -  
→ tried for 270 days - less than 1 kg Prove it -  
gone now

→ The only material that was there > 270 days? TEL

Prove there was > 1000 kg at the inspection.  
- rely on Spec Accumulation -

P7-14 there were 7 drums of <sup>fuel</sup> Sump  
Sludge drums stored on site at  
the inspection later shipped as HW  
by Oken → what about the 30 pounds sludge drums

P10 #15 says releaser - prove it -  
the SF says no releaser



Suppose President Robertson appoints Chuck Hammett  
to be EPA X-RA-

They want us to rely on the  
on going clean up agreement with  
DEC. HW is such a small part of  
it that stuff that it can not be  
identified.

Clean closure does not include  
removal of all hydrocarbons

We'll get to the clean up of chlorinated  
solvent when we get around to the  
final phase of the hydrocarbon clean up

Never planned to try separating HW from  
product. Just want to clean up

What we see here is the root  
of RCRA 3004 U is a funny  
combination with the mixture rule

If the extent of combination  
is being reduced by virtue of the  
clean up efforts, what's the big  
deal about a little HW spill, Why  
Should we make a big deal about cleanup  
of this little spill when it can be  
sucked up with the rest.

Wants us to agree not to call permit till this

is over



you violate generation standards

you stored without a permit

you ignored TSD standards

you did not even notify

we caught you and you're fined

you are meeting all of the above now

but we need to check to see if you  
left a mess and if so clean it up

This stuff is needed to close the book on the past

1. No Chlorinated solvents under  
sumps, 192, or ponds

2 also look at clay filter mess

This will be done through 3013

and 3008h

270 Hydro geo constituent analysis  
264

Administrative steps include public notice  
of closure you do not have to meet these

Substantive - prove that no mess exists or clean up  
and prove you're clean



Mapco will see how great  
The interference is from the  
Hydrocarbon

how about wastewater collection  
and treatment exclusion -

We can add language to  
say they do not want a  
permit. and possibly the order is  
no good if the permit is called

Mapco will now decide to do  
one of the following

1. Clean up now - no fight
2. Call themselves a SAG and  
not close until the pipe runs dry  
if we challenge them they fight
3. Clean up as much as possible  
now and call it partial  
closure to be completed when  
the pipe is dry. We will  
check to see what the permit  
people want to do - can they wait

Note - clay filter not H&W